

Natural Wood Waste Facilities

	Recommendation	Issue it Resolves
101	Define Natural Wood Waste Facilities as those facilities requiring an NWWRF permit from MDE or facilities conducting similar operations	County code is not consistent with Maryland Department of the Environment terminology. While the NWWRF regulations do not define a lower size limit for regulation, discretion is used to determine whether a permit is required. Thus “or facilities conducting similar operations.”
102	“In support of wood waste operations” means used to conduct any phase of the mulching process, including but not limited to feedstock receiving, feedstock preparation, active composting, curing mulch storage, mulch equipment storage or maintenance , or storage of any solid waste or non-compostable materials. “In support of mulching” does not include: 1) areas used to store mobile, general purpose farm equipment such as tractors and backhoes; or 2) roads used for transport to the wood waste facility or between separate wood waste areas on a site.	This duplicates similar language is the proposed composting regulations. It defines what is included within areas designated for these activities. Note it does not include storage of finished product, but only 12 months’ storage is permitted per MDE NWWRF permits.
103	As part of application for Conditional Use for siting a NWWRF, the applicant shall submit a copy of their General Permit or Individual Permit application including the Operations Plan and the Emergency Preparedness Manual or equivalent documentation.	When a permit is applied for, neither MDE nor the permittee is required to notify local stakeholders. The list of documentation currently in the County code is different than the comprehensive list in State code and regulations.
104	HCDFR shall review Facility’s Operations Plan and Emergency Preparedness Manual and notify both the owner and the Hearing Examiner of any deficiencies identified or recommended changes.	MDE thinks that largest risk with NWWRF is fire but doesn’t require any coordination with local Fire Marshals.
105	The permit holder shall submit an updated Operations Plan and Emergency Preparedness Manual to the Hearing Examiner at the time of each NWWRF permit renewal, for review and action if required.	Resubmission of the plans will allow the Hearing Examiner and HCDFR an opportunity to identify changes that have occurred since the initial hearings.
106	NWWRF must be incorporated into the Howard County Solid Waste Management Plan prior to approval by the Hearing Examiner.	State code requires the County to include all recycling facilities to be included within the SWMP.
107	Operators of NWWRF shall submit a copy of their annual report to MDE, to the Department of Public Works.	Mulch producers must report annually to the State, but do not have to give the data to County’s who must also report these numbers to the State.
108	Zoning Regulations Section 103.0 Definitions should be updated to be consistent with the above.	Definitions are not consistent with State law or the expansion of what is considered recyclable.
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Composting Facilities

	Recommendation	Issue it Resolves
201	Within Zoning Regulations Section 131 N (Conditional Uses and Permissible Zoning Districts) 60 – Yard Waste Composting Facility, feedstock classification should be restructured to reflect proposed COMAR 26.04.11.	County code is not consistent with Maryland Department of the Environment terminology. Current code does not permit composting of manure, food scrap or other organic products even in M-1, regardless of quantity.
202	Facilities involved in composting organic material, and not regulated as NWWRF, shall at a minimum meet the requirements of COMAR 26.04.11	Mulch is not regulated by MDA. Some facilities make “leaf mulch” instead of “compost” to get around the rules.
203	As part of application for Conditional Use for siting a Composting Facility, the applicant shall submit a copy of their General Permit or Individual Permit application including the Operations Plan and the Emergency Preparedness Manual	When a permit is applied for, neither MDE nor the permittee is required to notify local stakeholders. The list currently in the County code is different than the comprehensive list in State code and regulations.
204	HCDFR shall review Facility’s Operations Plan and Emergency Preparedness procedures and notify both the owner and the Hearing Examiner of any deficiencies identified or recommended changes.	Composting Regulations (COMAR 26.04.11) don’t require any coordination with local Fire Marshals.
205	The permit holder shall submit an updated Operations Plan and Emergency Preparedness procedures to the Hearing Examiner at the time of each Composting permit renewal, for review and action if required.	Resubmission of the plans will allow the Hearing Examiner and HCDFR an opportunity to identify changes that have occurred since the initial hearings.
206	A compost facility requiring a Compost Facility permit or other waste processing permit must be incorporated into the Howard County Solid Waste Management Plan prior to approval by the Hearing Examiner.	State code requires the County to include all recycling facilities to be included within the SWMP. [See June 10, 2014 letter]
207	Operators of Composting Facilities shall submit a copy of their annual report to MDE, to the Department of Public Works.	Compost producers must report annually to the State, but do not have to give the data to County’s who must also report these numbers to the State.
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209	Zoning Regulations Section 103.0 Definitions should be updated to be consistent with the above.	Definitions are not consistent with State law or the expansion of what is considered recyclable.

Requiring much more discussion

110	In RR and RC, Natural Wood Waste Recycling may be permitted as a conditional use if a) no more than XX acres are used “in support of wood waste operations”; b) no more than YY% of the property is used; and c) a minimum of ZZ% of the material produced is used on the property for farming. <i>Example: 5 acres, 10% property, 30% used</i>	DRPS has no problem with “farming”, but CB-20 allows no mulching or composting at all on preservation land.
111	The Planning Hearing Examiner shall require review and acceptance of the facility’s Operations Plan by the County Environmental Health Officer (if the parcel or adjoining parcels are on well water)	A second set of eyes, beyond the MDE permit reviewer would not hurt.
210	Tier 2 Large and Tier 3 Composting Facilities must be within the Solid Waste Overlay.	These facilities produce product from potentially problematic feedstocks and are regulated similarly to solid waste facilities.
211	Tier 1 and Tier 2 Small Composting Facilities may be permitted as conditional use on RR, RC or M-1 zoned areas.	These facilities match the old “yard waste compost facilities” of the old zoning code but would allow small quantities of food scrap or manure.
212	In RR and RC, Composting is permitted as a conditional use if a) no more than XX acres are used “in support of wood waste operations”; b) no more than YY% of the property is used; and c) a minimum of ZZ% of the material produced is used on the property for farming. <i>Example: 5 acres, 10% property, 30% used</i>	DRPS has no problem with “farming”, but CB-20 allows no mulching or composting at all on preservation land.
213	Farms with approved conditional use for composting may exceed the acreage limits listed above for up to 12 months if approved by the Planning Board.	After the Hurricane/Tropical Storm hits, there will be lots of woody storm debris to recycle. DPW would appreciate farmers and mulch operators to take/buy some of this material. This provision would be used on after a declaration of emergency.
214	The Planning Hearing Examiner shall require review and acceptance of the facility’s Operations Plan by the County Environmental Health Officer (if the parcel or adjoining parcels are on well water)	A second set of eyes, beyond the MDE permit reviewer would not hurt.